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July 19, 2001

U.S. Department of Transportation
Office of Chief Counsel
Attn: Rules Docket
Docket Nos. FAA-2001-9854
400 Seventh St. S.W. Room Plaza 401
Washington, D.C. 20590

FAA-01-9852-27
9854-22

Ms. Louise Maillett
Acting Asst. Administrator for Policy, Planning and International Aviation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Mr. John Rodgers
Director, Office of Aviation Policy and Plan
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

RE: Opposition to Request of Air Transport Association and Regional Airline Association for a 180-Day Extension of Comment Period on the Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of Lottery Allocation Docket 2001-9854 (66 Fed. Reg. 31,731 (June 12, 2001))

Dear Ms. Maillett and Mr. Rodgers:

On June 12, 2001, the Federal Aviation Administration (FAA) issued the above-referenced Notice requesting comments on alternative policy options for managing capacity and mitigating congestion at LaGuardia Airport (LGA). The agency provided for a 60-day period (ending August 13, 2001) for interested parties to comment on the policy alternatives identified in the Notice. On June 21, 2001 and July 10, 2001 respectively, the Air Transport Association (ATA) and Regional Airline Association (RAA) each asked that the comment period be extended an additional 180 days until February 13, 2002, making the comment period 240 days.

America West Airlines, Inc. (America West) opposes the requested extension and respectfully asks that the FAA retain the original 60-day comment period. Any extension of the comment period would delay implementation of a new demand management policy at LGA that must provide new entrants and limited incumbents the opportunity to obtain at least the slots guaranteed by the Wendell H. Ford Investment and Reform Act for the Twenty First Century (Air-21). The extension requested by the large incumbent carriers and their commuter affiliates would simply push any new policy well into 2003 and extend the current anticompetitive slot regime and lottery for exemption slots as capped by the FAA, which has limited new entry contrary to the goals of Air-21.¹ America West believes the FAA must move as quickly as possible to bring required change to the institutionalized anticompetitive slot allocation scheme that has severely limited new entry at LGA, sustained incumbent market dominance and encouraged under-utilization of slots that has characterized LGA service for more than a decade.

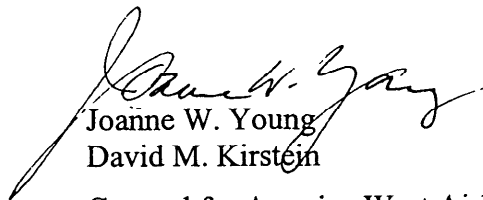
As a new entrant/limited incumbent carrier at LGA America West is currently limited to three daily roundtrips operated as America West Express to Columbus, Ohio with otherwise unused HDR slots made available by the FAA. The current slot regime coupled with the equally anticompetitive and anachronistic perimeter rule has stifled the ability of America West and other new entrants to challenge the incumbents at LGA. In this regard, earlier this year, America West applied for exemptions to provide non-stop service between LGA and its major hubs in Phoenix and Las Vegas. The Department of Transportation (Department) agreed that "if granted" that service "would likely be quite successful and . . . the granting of the exemptions would be pro-competitive." DOT Order 2001-4-1 at 5. Nonetheless, the Department denied America West's application, without prejudice, citing the FAA's proceeding as an appropriate forum to consider the perimeter rule with "various alternative longer-term approaches to supplant the slot lottery at LGA." *Id.* Any delay in the process of identifying and implementing a system that will allow successful, pro-competitive service to supplant the existing anticompetitive system is clearly not in the public interest.

While the Notice of Alternative Policy Options does raise complex, important issues of great concern to the airlines and the public, America West is confident that interested parties can address the questions raised by the Notice comprehensively in the 60-day comment period. Moreover, all parties will have further opportunities to comment on any specific proposal put forth by the FAA in a notice of proposed rulemaking. In this connection, America West notes that none of the proposed alternatives is novel and similar concepts have been the subject of discussion and debate for several years.

¹ In its comments in Docket 2001-9852 regarding the renewal of the exemption slot lottery allocation (Phase I), America West opposed renewal on the grounds that it harmed new entrants and that passenger concern over delays would lead carriers to abandon marginal service.

In summary, America West opposes extending the comment period. The delay is not necessary to develop comprehensive responses to the options put forward by the FAA and the PANYNJ or to offer other alternatives as suggested by the June 12th Notice. The issues are not so complex that they cannot be initially addressed in the 60-day timeframe contemplated by the Notice. At this point, further delay simply results in an unnecessary continuation of the current anticompetitive slot allocation system at LGA and is unacceptable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joanne W. Young", is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Joanne W. Young
David M. Kirstein
Counsel for America West Airlines, Inc